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Attorneys for Defendant Barry C. Honig

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,
INC., JOHN O'ROURKE, and JEFFREY
MCGONEGAL,

Defendants.

Civil Action No.: 18-2293(FLW)(TJB)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S CORRECTED
CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT**

MOTION RETURN DATE: NOVEMBER 4,
2019

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that on November 4, 2019, or as soon as the Court deems appropriate, Defendant Barry C. Honig ("Mr. Honig") will appear before the Honorable Freda L. Wolfson, U.S.D.J., at the United States District Court for the District of New Jersey, 402 State Street, Courtroom 5E, Trenton, New Jersey, and will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4,

et seq., for an Order dismissing Count II of Lead Plaintiff's Corrected Consolidated Amended Class Action Complaint.

PLEASE TAKE FURTHER NOTICE THAT Mr. Honig shall rely upon the accompanying Declaration of Robert D. Weber with exhibits, Request for Judicial Notice, Memorandum of Law in Support, and all papers submitted herewith.

PLEASE TAKE FURTHER NOTICE THAT a proposed form of Order is also submitted for the Court's consideration.

Dated: September 5, 2019

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By: /s/ Tyler E. Baker

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